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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,468	02/28/2002	Toshiro Shibanuma	826.1798	4994

21171 7590 03/08/2005

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EXAMINER	
ABEL JALIL, NEVEEN	
ART UNIT	**PAPER NUMBER**
2165	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/084,468	SHIBANUMA ET AL.	
	Examiner	Art Unit	
	Neveen Abel-Jalil	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on October 6, 2004.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-10 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. The amendment filed on October 6, 2004 has been received and entered. Claims 1-10 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 4-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weight (U.S. Pub. No. 2003/0023638 A1) in view of Matsumoto et al. (U.S. Patent No. 6,647,125 B2).

As to claims 1, 5, 6, and 7, Weight discloses an apparatus generating list display data where contents extracted from registration information are sorted in an order of newer arrivals, a method generating list display data where contents extracted from registration information are sorted in order of newer arrivals, a computer-readable storage medium used by a computer for generating list display data where contents extracted from registration information are sorted in order of newer arrivals (See Weight page 7, lines 15-50, also see Weight abstract, and see

Weight figure 6, 614, multi-level directory), on which is recorded a program for causing the computer to execute a process, comprising:

an attribute setting unit setting a display attribute of a list display target for contents of the list display target based on a relationship between a date on which the contents are registered and a current date (See Weight pages 4-5, paragraphs 0055-0057); and

a data generating unit generating list display data of the contents of the list display target by using the set display attribute (See Weight page 5, paragraphs 0057-0059, also see Weight page 5, paragraphs 0062-0063).

Weight does not teach as a predetermined type of font or a predetermined color of background.

Matsumoto et al. teaches as a predetermined type of font or a predetermined color of background (See Matsumoto et al. column 3, lines 25-60).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Weight to include as a predetermined type of font or a predetermined color of background.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Weight by the teaching of Matsumoto et al. to include as a predetermined type of font or a predetermined color of background because ease of presentation and consistency (See Matsumoto et al. column 1, lines 17-28).

As to claims 2, and 8, Weight as modified discloses wherein said attribute setting unit sets a display attribute of contents whose registered date is the current date as a display attribute

that is different from a display attribute of contents whose registered date is a preceding date or earlier (See Weight pages 4-5, paragraph 0056, also see Weight page 5, paragraphs 0064-0065, and see Weight page 1, paragraph 0012).

As to claims 4, and 10, Weight as modified discloses further comprising a data transmitting unit externally transmitting the list display data generated by said data generating unit so that an external device displays the list display data (See Weight page 5, paragraphs 0057-0059).

4. Claims 3, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weight (U.S. Pub. No. 2003/0023638 A1) in view of Matsumoto et al. (U.S. Patent No. 6,647,125 B2), and further in view of August et al. (U.S. Patent No. 6,647,383 B1).

As to claims 3, and 9, Weight as modified still does not teach wherein said attribute setting unit sets a display attribute of the contents according to a number of days elapsed from the date on which the contents are registered to the current date.

August et al. teaches wherein said attribute setting unit sets a display attribute of the contents according to a number of days elapsed from the date on which the contents are registered to the current date (See August et al. column 23, lines 7-54, wherein "days elapsed" reads on "expiry dates").

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have further modified Weight as modified to include wherein

said attribute setting unit sets a display attribute of the contents according to a number of days elapsed from the date on which the contents are registered to the current date.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Weight as modified by the teaching of August et al. to include wherein said attribute setting unit sets a display attribute of the contents according to a number of days elapsed from the date on which the contents are registered to the current date because showing the time elapsed allows for efficient and accurate data storage and presentation and ease of database management.

Response to Arguments

5. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that "nothing in Weight has been found regarding use of the attributes to determine how the content is to be displayed", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Garg et al. (U.S. Patent No. 6,567,846 B1) teaches attribute files associated with a date value (See column 12, lines 45-50).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
February 25, 2005

SAM RIMELL
PRIMARY EXAMINER